

REMARKS

Claims 3, 4, 8, 9, 11, 19-23, 25-27, 38-43, 45-57, 59-62, 74-78 and 101-107 remain in this case.

Claims 5-7 have been rejected as being indefinite. The claims under consideration, with the exception of new claims 101-107, have been rejected as either anticipated by one or more of Edwin '276, Razavi '685 or Ragheb '904, or obvious over Razavi '685 in view of Kprof '849 or McNamara '730 or Ragheb '904.

The Cited Art

Edwin U.S. Patent No. 6,358,276 discloses various embodiments of coiled, tubular stents used to carry a liquid. The liquid can be used to carry heated or cooled or radioactive fluid through the stent. Drugs may be delivered by filling the stent with a drug and allowing the drug to pass through openings or pores in, for example, ePTFE. (Column 2, lines 41-54; figs. 9 and 10.) The figs. 9-10 embodiment discloses a coiled support wire 94 housed within a hollow ePTFE 92. During use, a fluid may be directed to the pathway 96 defined between support wire 94 and ePTFE 92.

Ragheb U.S. Patent No. 5,873,904 discloses a medical device 10 including a structure 12, typically a vascular stent 12, composed of an elastic/non-elastic, biodegradable/non-biodegradable base material 14, such as stainless steel, nitinol, polymers, etc. Stent 12 is shown to have several layers of materials coated thereon. At least one layer 18 of a bioactive material is on the surface of stent 12. An outer porous layer 20 is on layer 18 to provide controlled release of the bioactive material. A porous/non-porous layer 16 may be used between the bioactive layer 18 and stent 12. A second bioactive layer 22 may be used between porous layer 20 and bioactive layer 18; if so, an inner porous layer 24 may be used between the bioactive layers 18, 22.

Razavi U.S. Patent No. 5,676,685 discloses a removable, temporary stent 10 comprising a wire coil 12 enclosed within a biodegradable/bioabsorbable coating 14. Coating 14 includes outer and inner layer 16, 18. Outer layer 16 may include various agents (column 3, lines 22-30). Inner layer 18 surrounds a wire coil 12 and is made of a material that can be softened or liquefied when heated to permit wire coil 12 to be pulled out from coating 14 leaving coating 14 in place. "Removal of core wire 12 will of course be accomplished at such time as the stent has served its temporary purpose." Column 2, lines 34-36.

The Cited Art Distinguished

Independent apparatus **claim 38** has been rejected in part on the basis that figs. 11 and 13 "show a coiled body 12 with radially extending openings between the adjacent rings." However, this is not what is claimed. The claim recites in part "a coiled body having radially-extending openings formed therethrough,". That is, the radially extending openings are formed through the coiled body itself. In contrast, coil 12 of Razavi '685 is a solid wire with no openings formed therethrough. In addition, the Examiner is taking the position that material 14 forms a coiled sleeve. Applicant disagrees that material 14 could be characterized as a sleeve as that term is commonly understood. "1. The part of a garment that covers all or part of the arm. 2. Any encasement or shell into which a piece of equipment fits." *The American Heritage Dictionary of the English Language, New College Edition*, Houghton Mifflin Company, 1976. Material 14 may be characterized as coating or layer, but not a sleeve. Accordingly, claim 38 is allowable.

Independent method **claim 43** has been amended by incorporating the substance of claim 44. Claim 43 now recites in part "selecting a coiled prosthesis comprising a coiled body having longitudinally extending side members and cross members connecting said side members". The Examiner states that Razavi '685 discloses that other configurations can be used for the coiled body. However, Razavi '685 also states "other configurations, particularly other radial configurations which may readily be pulled loose, will become apparent to those familiar with this art." Therefore, it would have been contrary to the teachings of Razavi '685 to substitute the ladder stent of patent 849 for the core wire because a ladder stent type of structure would not be readily pulled loose as is necessary for the structure of Razavi '685. Therefore, claim 43 has allowable over the cited art.

Independent method **claim 74** has been rejected in part on the basis that figs. 11 and 13 "show a coiled body 12 with radially extending openings between the adjacent rings." However, this is not what is claimed. The claim recites in part "the prosthesis comprising a coiled body having radially-extending openings formed therethrough,". That is, radially extending openings are formed through the coiled body itself. In contrast, coil 12 of Razavi '685 is a solid wire with no openings formed therethrough. In addition, the Examiner is taking the position that material 14 forms a coiled sleeve. Applicant disagrees that material 14 could be characterized as a sleeve as that term is commonly understood. "1. The part of a garment that covers all or part of the arm. 2. Any encasement or shell into which a piece of equipment fits." *The American Heritage Dictionary of the English Language, New College Edition*, Houghton Mifflin Company, 1976. Material 14 may be characterized as coating or layer, but not a sleeve. Therefore, claim 74 is also allowable over the cited art.

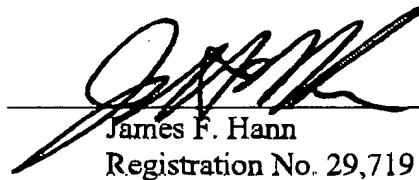
Atty Docket: VASC 1020-2 US

The **dependant claims** are directed to specific novel subfeatures of the invention and are allowable for that reason as well as by depending from novel parent claims. For example, claims **25 and 54** recite that the porous material has an inner surface which is substantially impervious to the passage of blood therethrough; this aspect is absent from the cited art. Claims **101-104** more specifically define the sleeve interior to further distinguish this aspect of the invention over the cited art.

In light of the above remarks and amendments to the claims, applicants submit that the application is in the condition for allowance and action to that end is urged. If the Examiner believes a telephone conference would aid the prosecution of this case in any way, please call the undersigned at (650) 712-0340.

Respectfully submitted,

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